



Nevada State Board of Medical Examiners

*** * * M I N U T E S * * ***

OPEN SESSION BOARD MEETING

Conference Room at the Offices of the
NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301
Reno, Nevada 89502

FRIDAY, SEPTEMBER 6, 2002
and
SATURDAY, SEPTEMBER 7, 2002

FRIDAY, SEPTEMBER 6, 2002

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Paul A. Stewart, M.D., Secretary-Treasurer
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

MEMBER ABSENT:

Joel N. Lubritz, M.D.

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager
Douglas C. Cooper, Chief Investigator

ALSO PRESENT:

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney
General
Nancy E. Munoz, P.A.-C, Physician Assistant Advisory
Committee Member
Steven E. Kessinger, C.C.R.T., Practitioner of Respiratory
Care Advisory Committee Member

AGENDA ITEM 1

Call to Order - Cheryl A. Hug-English, M.D., President

The meeting was called to order by Cheryl A. Hug-English, M.D., President, at 4:40 p.m.

AGENDA ITEM 2

Approval of Minutes

- May 31 & June 1, 2002 Board Meeting - Open/Executive Sessions
- June 4, 2002 Board Meeting - Open Session

Dr. Titus moved to accept the minutes of the May 31 & June 1, 2002 Board Meeting - Open/Executive Sessions and June 4, 2002 Board Meeting - Open Session. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 9

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Nancy E. Munoz, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, C.R.T.
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members:
Arne D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Paul A. Stewart, M.D., Chairperson
- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- *Approval of Audit for Fiscal Year 2001-2002*
- Special Legislative Session - Larry D. Lessly, J.D., Executive Director
- International Association of Medical Regulatory Authorities Meeting - Jacqueline C. Jones, Ed.D., Vice President and Paul A. Stewart, M.D., Secretary-Treasurer
- **Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer and Robert A. Frantz, Financial Manager**
- ***Approval of Audit for Fiscal Year 2001-2002***

Dr. Stewart referred members to the distributed copies of the board's audit for fiscal year 2001-2002. He stated that in 1995, it was the board's goal to work toward becoming financially secure by having two years' worth of operational expenses in its reserves. He advised that the board has successfully reached its goal as of the end of the last fiscal year. He stated that in July 2003, after the biennial registration is completed, the board will have more than what is necessary in its reserves if the biennial registration fees charged are the same as what was charged for the previous biennium. He recommended that the board consider making any necessary major expenditures prior to July 2003 and lowering the registration fees for the 2003 - 2005 biennium, so as to keep the reserve at its present level.

Mr. Lessly advised that he will have some recommendations to make to the board concerning this matter at its December meeting. He stated that one of his recommendations will be to consider substantially lowering the registration fee for the 2003 - 2005 biennium and another will be to consider eliminating the \$200.00 fee currently charged for supervising/collaborating physician approval.

AGENDA ITEM 19
Matters for Future Agenda

Dr. Hug-English directed that consideration of lowering the registration fee for the 2003 - 2005 biennium and eliminating the fee currently charged for supervising/collaborating physician approval will be placed on the board's December meeting agenda for board action, along with necessary regulation changes to accomplish elimination of the supervising/collaborating physician approval fee.

AGENDA ITEM 9 (CONTINUED)
Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Nancy E. Munoz, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, C.R.T.
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D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Paul A. Stewart, M.D., Chairperson
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- *Approval of Audit for Fiscal Year 2001-2002*
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- International Association of Medical Regulatory Authorities Meeting - Jacqueline C. Jones, Ed.D., Vice President and Paul A. Stewart, M.D., Secretary-Treasurer
- **Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation**

Ms. Bowers reviewed the previously distributed Diversion Program's Quarterly Report for members. She advised that the foundation is financially sound and the board's Diversion Program has a total of 66 participants. She added that referrals to the program have been fewer than average so far this year, but that she and Dr. Rueckl are working to remedy this situation.

- **Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer and Robert A. Frantz, Financial Manager**
- ***Approval of Audit for Fiscal Year 2001-2002* (CONTINUED)**

Dr. Stewart again referred members to the distributed copies of the board's audit for fiscal year 2001-2002 and advised that the audit is clean and the auditors make no recommendations for change in procedures.

Dr. Stewart moved to approve the audit for fiscal year 2001-2002 and authorize Mr. Lessly to file it as required by statute. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Physician Assistant Advisory Committee - Nancy E. Munoz, P.A.-C

Ms. Munoz advised that she feels that the board's licensed physician assistants understand that it is their responsibility to adhere to the regulations pertaining to their relationship with their supervising physicians. She added that she feels that should the board decide to eliminate the fee currently charged for supervising/collaborating physician approval, there would be no adverse impact upon the physician assistant/supervising physician relationship.

- Committee to Study Post-Licensure Continuing Competency Evaluation

- Committee Members: Arne D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.

Dr. Baepler gave a brief history of the committee's work to date. He advised that the malpractice problems occurring in the state have brought the issue of physician competence to the attention of the citizens of Nevada, making the committee's goal to establish a means by which continuing physician competency can be maintained very timely. Discussion ensued, with the consensus of the board being that the committee should continue its study of the matter.

Dr. Hug-English appointed Dr. Stewart and Dr. Montoya to sit on the committee, along with Dr. Baepler and Arne D. Rosencrantz, past President and public board member. She advised that past President and public board member, Susan S. Buchwald, M.D., would no longer be a committee member.

Dr. Hug-English directed the committee to take its time to thoroughly study and research the matter of post-licensure continuing competency, and to come to the board with viable functional options for consideration only when it has exhausted all sources and means for its study. She added that she does not expect any procedure for ensuring post-licensure continuing competency to be in place prior to the 2005 - 2007 biennial registration period.

- Special Legislative Session - Larry D. Lessly, J.D., Executive Director

Dr. Hug-English thanked members for their support concerning the special legislative session. Mr. Lessly echoed Dr. Hug-English's thanks to members, particularly Dr. Stewart and Dr. Baepler who took time to come up from Las Vegas to the meeting at the Governor's office and to attend the session.

Mr. Lessly added that Mrs. Lyons will establish a tracking system program within the board's License 2000 computer application, which will be used to create reports in conformance with the legislation's mandate to the board to provide malpractice information to the Legislative Counsel Bureau and the Governor in February of each year henceforth.

- International Association of Medical Regulatory Authorities Meeting

- Jacqueline C. Jones, Ed.D., Vice President and Paul A. Stewart, M.D., Secretary-Treasurer

Dr. Jones reported that the meeting was excellent; however, she preferred the small group sessions at the last IAMRA meeting to the large group sessions at this year's meeting. She advised that she spoke with Dale Austin of the Federation of State Medical Boards of the United States, Inc., who was also in attendance at the meeting, about how she feels the Nevada State Board of Medical Examiners has benefited from its members' attendance at the IAMRA meetings and that information gleaned from the meetings contributes to the board's progressive nature. She added that a well-discussed subject at the meeting was the issue of AIDS.

Dr. Stewart advised that the subject of post-licensure continuing competency was also a hot topic of discussion at the meeting. He added that this issue seems to be of major concern all over the world.

AGENDA ITEM 3

Consideration of Request by Washoe Medical Center for Approval of Ten Practitioner of Respiratory Care Continuing Education Programs, Per NAC 630.530(2)(b)

AGENDA ITEM 4

Consideration Request by Steven E. Kessinger, C.C.R.T. for Approval of Practitioner of Respiratory Care Educational Sources, Per NAC 630.530(2)(a)

AGENDA ITEM 5

Consideration of Request by Steven E. Kessinger, C.C.R.T. for Approval of Website www.learnwell.org as an Approved Practitioner of Respiratory Care Education Source for Medical Ethics, Per NAC 630.530(2)(a)

AGENDA ITEM 6

Consideration of Request by Medtronic Peripheral Technologies for Approval of AneuRx Stent Graft Training by Rodney A. White, M.D., a California Licensed Physician, Per NRS 630.047(1)(c)(2)

AGENDA ITEM 7

Consideration of Request by The Center for Laparoscopic Obesity Surgery for Approval of Bariatric Surgical Procedures Training by Robert Rutledge, M.D., a North Carolina Licensed Physician, Per NRS 630.047(1)(c)(2)

AGENDA ITEM 8

Consideration of Request by University Medical Center Trauma Services for Approval of Trauma Surgery Training for United States Navy Federally Credentialed Physicians, Per NRS 630.047(1)(a) and (1)(c)(1)

Mr. Lessly advised that he and board staff recommend approval of agenda items 3 through 8. Discussion ensued among members, with no concerns about any items expressed.

Dr. Baepler moved to approve agenda items 3 through 8, inclusive. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 10

Legal Reports - Richard J. Legarza, J.D., General Counsel

- Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status
- Board Litigation Status

- Board Ordered Terms, Conditions and Probation Status

Mr. Legarza reported that all licensees currently on disciplinary probation with the board are in compliance.

- Board Litigation Status

Mr. Legarza reported that still no action has been taken by the District Court in William O. Murray, M.D.'s appeal of the board's revocation of his license and Pano Concha, M.D.'s appeal of the board's disciplinary action against his license.

Mrs. Bible advised that David B. Cohen, M.D. has not filed an appeal to the board's decision on remand in Dr. Cohen's appeal of the board's disciplinary action against his license.

AGENDA ITEM 11

Executive Staff Reports

- Larry D. Lessly, J.D., Executive Director

- Maureen E. Lyons, Deputy Executive Director

- Consideration of Request for Staff Attendance at Educational Meetings
- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for October 1 through December 31, 2002
- Update on Enhancements to Board's Web Site www.state.nv.us/medical/ or www.medboard.nv.gov (Profiling)
- Consideration of Proposed 2003 Board Meeting Schedule
- Consideration of Approval of Revised Board Newsletter Publication Dates - January & July Annually

- Consideration of Approval of Revised Application for Licensure Forms - Physician & Physician Assistant
- Consideration of Applying for Board Membership to the International Association of Medical Regulatory Authorities
- Informational Items
- **Consideration of Request for Staff Attendance at Educational Meetings**

Mr. Lessly requested Mr. Legarza's attendance at the Federation of Association of Regulatory Boards Annual Meeting to be held in Colorado. Mrs. Kirch, Dr. Titus and Dr. Jones requested to attend the Federation of State Medical Board's Workshop to be held in Las Vegas.

Dr. Stewart moved to approve Mr. Legarza's attendance at the Federation of Association of Regulatory Boards Annual Meeting, and Mrs. Kirch's, Dr. Titus' and Dr. Jones' attendance at the Federation of State Medical Board's Workshop. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- **Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for October 1 through December 31, 2002**

Mr. Lessly recommended that the board continue its contract with the Nevada Broadcaster's Association through December 2002. He advised that the association will be creating some new PSAs for the board to consider for use in 2003. He added that these new spots will be generated at no additional cost to the board.

Mrs. Kirch moved to continue the board's contract with Nevada Broadcaster's Association for the period October 1 through December 31, 2002, at a cost of \$5,000.00 per month. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- **Consideration of Proposed 2003 Board Meeting Schedule**

After review of the proposed 2003 meeting schedule and some discussion, Dr. Baepler moved to approve the schedule with a change of the February meeting dates to March 7 and 8, 2003, and subject to Dr. Lubritz's approval. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- **Consideration of Approval of Revised Board Newsletter Publication Dates - January & July Annually**

Mr. Lessly requested the board's approval to change the newsletter publication dates from April and October to January and July annually. He explained that the new publication dates would better accommodate the Legislative Sessions and fiscal year ending.

Mrs. Kirch moved to approve the change of the board's newsletter publication dates to January and July annually. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Approval of Revised Application for Licensure Forms - Physician & Physician Assistant

After some discussion, Dr. Montoya moved to approve the revised application for licensure forms for physicians and physician assistants. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Applying for Board Membership to the International Association of Medical Regulatory Authorities

After some discussion, Dr. Jones moved that the board apply for membership to the International Association of Medical Regulatory Authorities. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Informational Items

Mr. Lessly reported that Michael L. Huse was hired from the State Health Department to start on October 1, 2002 as the board's new investigator, as Lynnette L. Krotke will be moving from Investigations to Licensing on October 15, 2002. He advised that Julie M. Espinoza has been hired as the board's new Receptionist, since Carolyn H. Castleman was promoted from Receptionist to License Specialist. He stated that the current position of Financial Manager will be downgraded to Financial Support Assistant and Helena J. Teeple will be promoted from Administrative Assistant to Financial Support Assistant, with Mrs. Teeple beginning training for her new position on January 1, 2003 under the direction of Mr. Frantz. He advised that a new Administrative Assistant will be hired.

- Update on Enhancements to Board's Website www.state.nv.us/medical/ or www.medboard.nv.gov (Profiling)

Mrs. Lyons reported that the "clean-up" of the disciplinary information in the board's database has been completed off-site by Kasey M. Miller, a former employee of the board, and the licensee look-up application will be up and running on the board's website by October 2002.

Mrs. Lyons advised that due to the demands made by the Legislature, malpractice information on board licensees will be made available via the board's website. She stated that Mrs. Miller will begin working 32 hours per week in the board office on September 16, 2002 to input this malpractice information into the board's database, which information is currently being kept in hard copy format in binders in the office. Once malpractice information is input into the database, it will be accessible the following day via the board's website.

AGENDA ITEM 15

Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the May 31 & June 1, 2002 Board Meeting

Dr. Baepler moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved since the May 31 & June 1, 2002 board meeting. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 19

Matters for Future Agenda

Dr. Hug-English directed that board staff research the possibility of producing plastic or laminated wallet I.D. cards for board licensees, replacing the board's current paper cards, beginning with those distributed for the 2003-2005 biennial licensure period. Mrs. Lyons stated that she would present options to the board for producing such cards at the board's December meeting.

SATURDAY, SEPTEMBER 7, 2002

MEMBERS PRESENT: Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Paul A. Stewart, M.D., Secretary-Treasurer
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

MEMBER ABSENT: Joel N. Lubritz, M.D.

STAFF PRESENT: Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Helena J. Teeple, Administrative Assistant

ALSO PRESENT: Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General
Michael J. Garcia, R.R.T., Practitioner of Respiratory Care Advisory Committee Member

Cheryl A. Hug-English, M.D., President, reconvened the meeting
at 8:35 a.m.

AGENDA ITEM 9 (CONTINUED)

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Nancy E. Munoz, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, C.R.T.
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members:
Arne
D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Paul A. Stewart, M.D., Chairperson
- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- *Approval of Audit for Fiscal Year 2001-2002*
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- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, C.R.T.

Mr. Garcia advised that he had no formal report to make on behalf of the committee. He stated that he will advise his constituency of the board's approval of the requests on the agenda (agenda items 4 and 5) made by Steven E. Kessinger, C.C.R.T.

- Investigative Committee - Paul A. Stewart, M.D., Chairperson (CONTINUED)

Dr. Stewart reported that the Investigative Committee met in Las Vegas on August 7, 2002 and yesterday, and distributed the listing of the cases recommended for closure by the committee for members' review and consideration for closure.

Dr. Hug-English thanked the committee members for their efforts, time spent and excellent work in completing the committee's duties.

Discussion ensued amongst members concerning the possibility of issuing "letters of concern" of some sort to licensees whose actions may not rise to the level of a formal complaint, but require a warning from the Investigative Committee. Mr. Lessly advised that such "warnings" are not allowed by statute.

Dr. Hug-English directed Mr. Legarza to present to the board for its consideration at the December meeting samples of possible legislation which would make "warnings" of some sort allowable.

AGENDA ITEM 12

Consideration of Approval of Change of Medical Doctor Licensure Status from Inactive to Active

Open Session

12 (a) Brad Manny, M.D.

Dr. Anjum questioned Brad Manny, M.D., who appeared before the board to respond to questions concerning his having been away from the practice of medicine since 1999 and how he has remained current with medicine since that time.

Dr. Manny explained the circumstances surrounding his having been away from the practice of medicine since 1999 and how he has remained current with medicine.

Dr. Montoya moved to accept Brad Manny, M.D.'s application for change of his licensure status from inactive to active. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Stewart moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Dr. Titus, and it passed unanimously.

Executive Session

12 (b) Louis Richnak, Jr., M.D.

Upon returning to Open Session, Dr. Titus moved to accept Louis Richnak, Jr., M.D.'s application for change of his licensure status from inactive to active. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Titus moved to go into Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

AGENDA ITEM 13

Consideration of Acceptance of Applications for Medical Doctor Licensure

Executive Session

13 (d) Khalid Chaudhry, M.D.

Upon returning to Open Session, Mrs. Kirch moved to accept Khalid Chaudhry, M.D.'s application for licensure. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

13 (e) John Dempster, M.D.

Upon returning to Open Session, Dr. Montoya moved to accept John Dempster, M.D.'s application for limited licensure to participate as a first year resident in the University of Nevada School of Medicine's Psychiatry Residency Program. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English reminded Dr. Dempster that he is, henceforth, not to engage in any irresponsible behavior that may require his appearance again before the board.

Dr. Montoya moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

13 (f) Luis Pamuncialman, M.D.

Upon returning to Open Session, Dr. Baepler moved to accept Luis Pamuncialman, M.D.'s application for licensure. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Executive Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

AGENDA ITEM 12 (CONTINUED)
Consideration of Approval of Change of Medical Doctor Licensure Status from Inactive to Active

Executive Session

12 (c) Mark Tamsen, M.D.

Upon returning to Open Session, Mrs. Kirch moved to accept Mark Tamsen, M.D.'s application for change of his licensure status from inactive to active. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to go into Executive Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

AGENDA ITEM 13 (CONTINUED)
Consideration of Acceptance of Applications for Medical Doctor Licensure

Executive Session

13 (g) Sankara Sidat-Singh, M.D.

Upon returning to Open Session, Dr. Baepler moved to table consideration of acceptance of Sankara Sidat-Singh, M.D.'s application for licensure. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

13 (h) Stewart Stein, M.D.

Upon returning to Open Session, Dr. Stewart moved to accept Stewart Stein, M.D.'s application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Open Session

13 (i) Kenneth McIntyre, M.D.

Dr. Stewart questioned Kenneth McIntyre, M.D., who appeared before the board to respond to questions concerning his affirmative answer to question no. 12 on his application for licensure.

Dr. McIntyre explained the circumstances surrounding the three claims of malpractice filed against him.

Dr. Baepler moved to accept Kenneth McIntyre, M.D.'s application for licensure. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 13

Consideration of Acceptance of Applications for Practitioner of Respiratory Care Licensure

Dr. Jones moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Dr. Titus, and it passed unanimously.

Executive Session

14 (j) Marilyn Atkins, C.R.T.

Upon returning to Open Session, Marilyn Atkins, C.R.T. withdrew her application for licensure.

Dr. Baepler and Dr. Stewart left the meeting at 11:45 a.m.

Dr. Montoya moved to return to Executive Session for the same purposes stated before. Dr. Anjum seconded the motion, and it passed unanimously.

14 (k) Rudivar Janolino, C.R.T.

Upon returning to Open Session, Dr. Jones moved to accept Rudivar Janolino, C.R.T.'s application for licensure. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Cheryl A. Hug-English advised Mr. Janolino that the board is impressed with all that he has accomplished, in accordance with the board's recommendations, since his first appearance before the board at its March 2002 meeting.

Mrs. Kirch moved to go into Executive Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

14 (l) Mark Russell, C.R.T.

Upon returning to Open Session, Dr. Jones moved to accept Mark Russell, C.R.T.'s application for licensure. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to go into Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

14 (m) Andrew Silva, C.R.T.

Upon returning to Open Session, Dr. Titus moved to accept Andrew Silva, C.R.T.'s application for licensure. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 9 (CONTINUED)

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Nancy E. Munoz, P.A.-C
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D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Paul A. Stewart, M.D., Chairperson
- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
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- Investigative Committee - Paul A. Stewart, M.D., Chairperson (CONTINUED)

Dr. Titus moved to close the cases recommended for closure by the Investigative Committee. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 16

Consideration of Petition of Thomas J. Brumfield, M.D. for Removal of DEA Restrictions from His License No. 2051 to Practice Medicine in the State of Nevada

Adjudicating Board Members: Cheryl A. Hug-English, M.D.; President; Jaculine C. Jones, Ed.D., Vice President; Paul A. Stewart, M.D., Secretary-Treasurer; Joel N. Lubritz, M.D.; Donald H. Baepler, Ph.D., D.Sc.; Robin L. Titus, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Stewart, Dr. Lubritz and Dr. Baepler were not in attendance for this agenda item. Thomas J. Brumfield, M.D. was also not in attendance, nor was he represented by counsel.

Mr. Legarza gave a history of this agenda item for board members.

After some discussion, Dr. Titus moved to deny the petition of Thomas J. Brumfield, M.D. for removal of DEA restrictions from his license no. 2051 to practice medicine in the state of Nevada. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Legarza advised that he would prepare an order to reflect the board's denial of Dr. Brumfield's petition in this matter.

AGENDA ITEM 17

Consideration of Petition of Rodney G. Handsfield, M.D. to Remove Restrictions on His License No. 5354 to Practice Medicine in the State of Nevada

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Jaculine C. Jones, Ed.D., Vice President; Paul A. Stewart, M.D., Secretary-Treasurer; Joel N. Lubritz, M.D.; Donald H. Baepler, Ph.D., D.Sc.; Sohail U. Anjum, M.D.; Marlene J. Kirch; and Stephen K. Montoya, M.D.

Dr. Stewart, Dr. Lubritz and Dr. Baepler were not in attendance for this agenda item. Thomas J. Brumfield, M.D. was also not in attendance, nor was he represented by counsel.

Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation, reported that Rodney G. Handsfield, M.D. has been in complete compliance with all terms of his contract with the board's Diversion Program. She added that he has made a complete and positive turnaround in his life, and she recommends that the restrictions on his license be lifted so that he may gain employment.

Mr. Legarza gave a history of this agenda item for board members, and stated that he agreed with Ms. Bowers that Dr. Handsfield has completely changed his life for the better.

Discussion ensued, with Dr. Montoya moving to remove the current restrictions from Rodney G. Handsfield, M.D.'s license to practice medicine in Nevada and place a new restriction on his license requiring that his first 25 patient cases be proctored by a Nevada licensed medical doctor who practices within the scope Urology, which medical doctor must be approved by the Secretary of the board prior to beginning the proctorship, and once the proctoring is successfully completed per the Secretary of the board, his license will be restored to full and unrestricted status, as long as he complies with his contract with the board's Diversion Program. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 18

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Jane Shen-Gunther, M.D., Case No. 01-11958-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D.; President; Jacqueline C. Jones, Ed.D., Vice President; Paul A. Stewart, M.D., Secretary-Treasurer; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Jane Shen-Gunther, M.D., Case No. 01-11958-1, except Dr. Stewart, who was not in attendance.

Mrs. Kirch moved to go into Executive Session to view Exhibit "10" (a videotape) of the record and to deliberate on the single count of malpractice of the Complaint. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Montoya moved to find Jane Shen-Gunther, M.D. not guilty of the single count of the Complaint. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 20

Public Comment

There was no public comment

ADJOURNMENT

Dr. Hug-English adjourned the meeting at 1:45 p.m.